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BEFORE THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF THE APPLICATION)
FOR BENEFICIAL WATER USE PERMIT)
NO. 65091-s76LJ BY CARMEN R. WYMAN)

ORDER

* * * * *

On March 24, 1989, a hearing in this matter was convened in Kalispell, Montana. The only parties present at the hearing were the Applicant, who appeared pro se, and Objector Kevin and Jeanine Buettner and Leslie Keller, represented by aforesaid Kevin Buettner and Leslie Keller, all other Objectors having previously withdrawn their objections to the Application.


At the hearing, Applicant amended her Application to request a flow rate of 5.5 gallons per minute (gpm) instead of 35 gpm; to request a total volume of .03 acre-feet per annum instead of 5.06 acre-feet per annum; to request a period of appropriation from April 1 to September 30, inclusive, each year, for lawn and garden instead of from May 1 to October 1; and to delete stock water use from the Application. At the hearing, the Examiner accepted the amendments reducing the flow and volume, and deleting the stock use, as such reductions would not require re-notification of the public because it is reasonable to assume that, if persons did not object to the larger flow, volume and use, they would not object to the reduced flow, volume, and use. However, the amendment requesting a different period of use is hereby disallowed as it is possible that there may have been

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other objections hereto if the April lawn and garden use had been reflected in the public notice.

Objector Buettner and Keller withdrew objection to the Application as amended. Accordingly, all Objectors having withdrawn their Objections hereto, the Amended Application and file are hereby remanded to the Department of Natural Resources and Conservation, Water Rights Bureau Processing Unit for such other and further action as an application without objection need receive.

Dated this 3 day of April, 1989.


Robert H. Scott, Examiner
Department of Natural Resources
and Conservation
1520 East 6th Avenue
Helena, Montana 59620-2301
(406) 444-6625

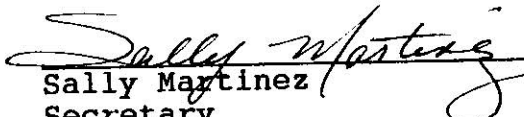
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Order was duly served upon all parties of record at their address or addresses this 3rd day of April, 1989, as follows:

Carmen R. Wyman
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Kalispell Field Office
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Kevin and Jeanine Buettner
and Leslie Keller
285 Browns Road
Kalispell, MT 59901


Sally Martinez
Secretary